



**the dme**

Department:  
Minerals and Energy  
REPUBLIC OF SOUTH AFRICA

*DCM - Welstand, Pantarra  
Boschong.*

# MINING RIGHT

Granted in terms of Section 23(1) of the Mineral and Petroleum Resources Development Act,  
2002 (Act No. 28 of 2002)

**MP 30/5/1/2/2/51 MR**

**F2004/12/15/001**

**WILLEM DANIEL NORTJE  
NOTARIS/NOTARY  
SMUTS PARK, WITBANK, R.S.A.**

*for MUC*

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WILLEM DANIEL NORTJE  
 NOTARIS/NOTARY  
 SMUTS PARK, WITBANK, R.S.A.

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Registered in the MINERAL AND PETROLEUM RESOURCES DEVELOPMENT ACT  
 REGISTRATION OFFICE/PN/13/2006  
 in the Register of MINING RIGHT  
 on this 26<sup>th</sup> day of FEB 2007  
 Under 15/2007(MR)  
  
 DIRECTOR-GENERAL  
 DEPT OF MINERALS AND ENERGY

Protocol No-----/828

File	Ref	No
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MP30/5/1/2/2/51MR

Application	No
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F/2004/12/15/001

**LET IT HEREBY BE MADE KNOWN:**

THAT on this 6<sup>th</sup> day of **December** in the year **2006**, before me, **Willem Dniel Nortje** a Notary Public, duly sworn and admitted, residing and practising at **Witbank**, in the **Mpumalanga** Province of South Africa, and in the presence of the subscribing competent witnesses, personally came and appeared:

**Molatelo Simon Marutha, Acting**, Regional Manager, **Mpumalanga** Region of the Department of Minerals and Energy, and as such in his / her capacity as the duly authorised representative of:

**WILLEM DANIEL NORTJE**  
 NOTARIS/NOTARY  
 SMUTS PARK, WITBANK, R.S.A.

**THE MINISTER OF MINERALS AND ENERGY**

The said Regional Manager, being duly authorised thereto under and by virtue of a Power of Attorney granted by the **Director - General** of the Department of Minerals and Energy on the 31<sup>st</sup> day of **October**

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in the year 2006 in terms of the powers delegated by the Minister on the 12<sup>th</sup> day of May 2004 in terms of section 103 (1) of the Act,

**AND**

Karen Ravenscroft in her capacity or as the company's Legal Advisor or as a Close Corporations member, and as such, the duly authorised representative of Dorstfontein Coal Mines (Pty) Limited, Identification/ Registration number:

1	9	5	2	/	0	0	3	1	7	6	/	0	7	
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(Hereinafter together with his/her/its successors in title and assigns referred to as "the Holder", he/she, the said representative, being duly authorised thereto under and by virtue of a power of attorney/resolution of directors/members of the Holder, signed or passed at Johannesburg on the 29<sup>th</sup> day of November in the year 2006 which power of attorney or a certified copy of a resolution has this day been exhibited to me, the notary, and remain filed of record in my protocol with the minutes hereof.)

**AND THE MINISTER AND HOLDER DECLARED THAT:**

**WHEREAS** The State is the custodian of the Nation's mineral and petroleum resources in terms of section 3 of the Act.

**AND WHEREAS** The Holder has applied for a mining right in terms of section 22 of the Act,

**AND WHEREAS** The **Director - General** of the Department of Minerals and Energy has by virtue of powers delegated to him, granted to the Holder, a mining right in terms of section 23(1) of the Act

**NOW THEREFORE THE MINISTER GRANTS A MINING RIGHT SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

WILLEM DANIEL NORTJE  
 NOTARIS/NOTARY  
 SMUTS PARK, WITBANK, R.S.A.

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## Definitions

In this mining right, the following words and expressions shall have the meanings assigned to them:

'**Act**' means the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) and includes the Regulations, guidelines, circulars, directives and orders made in terms of that Act;

'**Effective date**' means 6<sup>th</sup> day of **December** in the year **2006** (being the date on which the environmental management programme is approved in terms of section 39(4) of the Act);

'**Environmental Management Programme**' is as defined in the Act and includes any other Environmental Management Programme approved in terms of the previous mining legislation;

'**Financial year**' means a complete financial year of the Holder which, at the time of the granting of this mining right, commences on 1<sup>st</sup> day of **January** in the year **2006**, and ends on 31<sup>st</sup> day of **December** in the year **2006**;

'**Holder**' is as defined in the Act, and specifically in relation to this right, it means **Dorstfontein Coal Mines (Pty) Limited**, Registration No/Identification No **195200317607**;

'**Mineral**' is as defined in the Act, and specifically in relation to this right means **Coal**;

'**Mining Area**' is as defined in the Act and includes any additional area of environmental liability as may be reflected on the Environmental Management Programme relating to this right;

'**Mining right**' is as defined in the Act and includes all the Annexures to it, agreements and inclusions by reference;

'**Mining Work Programme**' is as defined in the Act and as reflected in the attached **Annexure A** to this mining right;

'**Minister**' means the Minister of Minerals and Energy and includes the successors in title, the assignee or any person duly authorised to act in the Minister's place and stead;

'**Regional Manager**' is as defined in the Act and specifically in relation to this right means the Regional Manager for the **Mpumalanga** Region of the Department of Minerals and Energy; and

'**Social and Labour Plan**', is as contemplated in regulation 46 of the Regulations to the Act and is as reflected in the attached **Annexure B** to this mining right.

WILLEM DANIEL NORTJE  
 NOTARIS/NOTARY  
 SMUTS PARK, WITBANK, R.S.A.

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## 1. Description of the Mining Area

The Mining Area shall comprise the following:

Certain: **Portion 12 of the farm Boschkrans 53 IS, Portions 1, 2 and 3 of the farm Fentonia 54 IS, Portions 5, 10, 11, 13 and the Remaining Extent of Portion 4 of the farm Welstand 55 IS**

Situated: **Magisterial/Administrative District of Bethal**

Measuring: **2066.6889 hectares in extent.**

(In the case of various farms being involved, a list can be attached and referred to as **Annexure** );

Which Mining Area is described in detail on the attached Diagram/plan marked **Annexure C**.

## 2. Granting of Mining Right

Without detracting from the provisions of sections 5 and 25 of the Act, the Minister grants to the Holder the sole and exclusive right to mine, and recover the mineral/s in, on and under the mining area for the Holder's own benefit and account, and to deal with, remove and sell or otherwise dispose of the mineral/s, subject to the terms and conditions of this mining right, the provisions of the Act and any other relevant law in force for the duration of this right.

## 3. Commencement, Duration and Renewal

3.1. This mining right shall commence on **6<sup>th</sup> December 2006** and, unless cancelled or suspended in terms of this clause 13 of this right and or section 47 of the Act, will continue to be in force for a period of **Thirty (30) years ending on 5<sup>th</sup> December 2036**.

3.2. The Holder must commence with the mining operations within a year from the date on which the mining right becomes effective in terms of section 23 (5) of the Act, or any later date as may, upon a written request by the Holder, be authorised in writing by the Minister in terms of the Act, failing which this right may be cancelled or suspended.

3.3. Any application for renewal must be submitted to the Regional Manger not later than 60 working days prior to the date of expiry of this right.

## 4. Amendments, Variation and Abandonment

4.1. The terms of this right (including by extension of the area covered by it or by the addition of minerals or a share or shares or seams, mineralized bodies, or strata, which are not at the time the subject thereof) may not be amended or varied without the written consent of the Minister.

WILLEM DANIEL NORTJE  
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- 4.2. The Holder shall be entitled to abandon or relinquish the right or the area covered by the right entirely or in part. Upon abandonment or relinquishment of the mining area or any portion thereof, the Holder must:
- 4.2.1. Furnish the Regional Manager with all prospecting and /or mining results and/or information, as well as the general evaluation of the geological, geophysical and borehole data in respect of such abandoned area in so far as it applies to the mineral or any other mineral/s obtained in respect of this right and,
- 4.2.2. Apply for a closure certificate in terms of section 43 (3) of the Act.
- 4.3 With effect from the date the Holder has abandoned or relinquished a portion or portions of the mining area, and subject to section 43 of the Act, the Minister is entitled to grant any right, permit, or permission referred to in the Act in, on, or under the portion/s, so abandoned or relinquished, to any person/s.

#### 5. Payment of Royalties

- 5.1. The Holder shall as contemplated in section 25 (2) (g) pay to the State throughout the duration of this mining right, royalties payable in terms of any Act or Amendment to an Act of Parliament implemented.

#### 6. Payment of Interest

If mining fees, any fees, any levy, royalties or consideration referred to in clause 5 are not paid punctually, the Holder shall be in mora and shall pay interest thereon at the rate prescribed in terms of section 80 of the Public Finance Management Act, 1999(Act 1 of 1999) reckoned from the date on which payment is due and payable, to the date of actual payment.

#### 7. Restrictions and Obligations Imposed on the Holder

- 7.1 The Holder is entitled to the rights referred to in section 5(2), (3) and section 25 of the Act, and such other rights as may be contained in this mining right or such other right as may be granted to, acquired by or conferred upon the Holder by any other applicable law.
- 7.2 Mining operations in the mining area must be conducted in accordance with the Mining Work Programme and any amendment to such Mining Work Programme and approved Environmental Management Plan.
- 7.3 The Holder shall not trespass or enter into any homestead, house or its curtilage nor interfere with or prejudice the interests of the occupiers and/or owners of the surface of the Mining Area

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except to the extent to which such interference or prejudice is necessary for the purposes of enabling the Holder to properly exercise the Holder's rights under this mining right.

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## 8. Conditions on disposal of Minerals and/ or Products Derived from Mining

It is a condition of the granting of this mining right that the Holder shall dispose of all minerals and/ or products derived from the exploitation of the mineral at competitive market prices which shall mean in all cases, non-discriminatory prices or non-export parity prices. If the minerals are sold to any entity, which is an affiliate or non-affiliated agent or subsidiary of the Holder, or is directly or indirectly controlled by the Holder, such purchaser must unconditionally undertake in writing to dispose of the minerals and any products produced from the minerals, at competitive market prices.

## 9. Mortgage, Cession, Transfer, Alienation

9.1 This mining right, a shareholding, an equity, an interest or participation in the right or joint venture, or a controlling interest in a company, close corporation or joint venture, may not be encumbered, ceded, transferred, mortgaged, let, sublet, assigned, alienated or otherwise disposed of without the written consent of the Minister, except in the case of a change of controlling interest in listed companies.

9.2 Any transfer, encumbrance, cession, letting, sub-letting, assignment, alienation or disposal of this right or any interest therein or any share or any interest in the Holder, without the consent of the Minister referred to in section 11(1) is of no force, no effect and is invalid.

## 10. Protection of Boreholes, Shafts, Edits and Openings.

All boreholes, shafts, edits, excavations, and openings sunk or made, by the Holder during the currency of this mining right shall be sealed, closed, fenced, made safe by the Holder in accordance with the approved Environmental Management Programme, the Mine Health and Safety Act, 1996 or any other applicable laws and Regulations.

## 11. Holder's liability for payment of Compensation for Loss or Damage

11.1 Subject to section 43 of the Act, the Holder shall, during the tenure of this right while carrying out the mining operations under this right, take all such necessary and reasonable steps to adequately safeguard and protect the environment, the mining area and any person/s using or entitled to use the surface of the mining area from any possible damage or injury associated with any activities on the mining area.

WILLEM DANIEL NORTJE  
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- 11.2. Should the holder fail to take reasonable steps referred to above, and to the extent that there is legal liability, the holder shall compensate such person or persons for any damage or losses, including but not limited to damage to the surface, to any crops or improvements, which such person or persons may suffer as a result of, arising from or in connection with the exercise of his/her rights under this mining right or of any act or omission in connection therewith.

## 12. Inspection of Mining Area

The Minister and/or any person duly authorised thereto in writing by the Minister shall be entitled to inspect the mining area, the Holder's mining operations and the execution of the approved Environmental Management Programme on the Mining Area as provided for in the Act, and any instruction conveyed in writing by the Minister to the Holder requiring the proper performance by the Holder of the Holder's obligations under this mining right shall be put into effect by the Holder in terms of the Act.

## 13. Cancellation or Suspension

- 13.1 Subject to section 47 of the Act, this mining right may be cancelled or suspended if the Holder:
- 13.1.1 Submits inaccurate, incorrect and or misleading information in connection with any matter required to be submitted under the Act;
- 13.1.2 Fails to honour or carry out any agreement, arrangement, or undertaking, including the undertaking made by the Holder in terms of the Broad Based Socio Economic Empowerment Charter and Social and Labour plan, on which the Minister relied for the granting of this right;
- 13.1.3 Breaches any material term and condition of this mining right;
- 13.1.4 Conducts mining operations in contravention of the provisions of the Act;
- 13.1.5 Contravenes the requirement of the approved Environmental Management Programme; or
- 13.1.6 Contravenes any provisions of this Act in any other manner.
- 13.2 Before the Minister cancels or suspends this right, the Minister shall:
- 13.2.1 Give written notice to the Holder indicating the intention to suspend or cancel this right;
- 13.2.2 Give reason/s why the Minister is considering the suspension or cancellation of this right;
- 13.2.3 Give the Holder 30 days to show reasons why the right should not be suspended or cancelled;
- 13.2.4 Notify, the mortgagee [if any], of the intention to suspend or cancel this right; and
- 13.2.5 Direct the Holder, where it is possible to remedy any contravention, breach or failure, to comply or to take such specified measures to remedy any contravention, breach or failure to comply.
- 13.3 If the Holder does not take the measures as specified by the Minister to remedy a contravention, breach or failure, the Minister may cancel or suspend this right after considering representations made by the Holder in terms of clause 13.2.3.

WILLEM DANIEL NORTJE  
 NOTARIS/NOTARY  
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#### 14. Records and Returns

- 14.1. The Holder shall maintain all such books, plans and records in regard to mining on the Mining Area as may be required by the Act and shall furnish to the office of the Regional Manager such reports and documents as may be relevant under this right.
- 14.2. The Holder shall furnish to the Regional Manager all such monthly returns contemplated in section 28 (2) A of the Act not later than the 15<sup>th</sup> day of the month following the month in respect of which it was reported.
- 14.3. The Holder shall furthermore at the end of each year following commencement of this mining right, inform the Regional Manager in writing of any new developments and of the future mining activities planned in connection with the exploitation/mining of the minerals on the Mining Area.

#### 15. Minister's liability for Compensation

The Minister shall not at any time be liable or responsible for the payment of compensation of whatever nature to the Holder, the Holder's successors-in-title or assignee, or any person whomsoever as a result of the granting of this right.

#### 16. Compliance with the Laws of the Republic

The granting of this Right, does not exempt the Holder and its successors in title and/or assigns from complying with the relevant provisions of the Mine Health and Safety Act, (Act No.29 of 1996) and any other law in force in the Republic of South Africa.

#### 17. Provisions relating to section 2(d) and (f) of the Act

In the furthering of the objects of this Act, the Holder is bound by the provisions of an agreement or arrangement dated 13<sup>th</sup> June 2005 entered into between the Holder/ empowering partner and **Total Coal South Africa (Pty) Limited, Mmakau Mining (Pty) Limited and Dorstfontein Coal Mines (Pty) Limited** (the empowerment partner) which agreement or arrangement was taken into consideration for purposes of compliance with the requirements of the Act and or Broad Based Economic Empowerment Charter developed in terms of the Act and such agreement shall form part of this right.

#### 18. Social and Labour Plan

- 18.1 The holder must annually, not later than three months before the end of its financial year, submit detailed implementation plan to give effect to Regulation 46(e)(i), (ii) and (iii) in line with the Social and Labour Plan.

WILLEM DANIEL HORTJUIJ  
 NOTARIS/NOTARY  
 SMUTS PARK, WITBANK, R.S.A.

18.2 The holder must annually, not later than three months after finalisation of its audited annual report, submit a detailed report on the implementation of the previous year's social and labour plan.

19. **Severability**

Notwithstanding anything to the contrary, any provision of this mining right which is contrary to any provision of the Act or which is otherwise ultra vires, null and void, voidable, or unenforceable, shall be severable from the rest of this right, such rest thus being and remaining of full force, effect and enforceable.

20. **Domicilia citandi et executandi**

20.1. The parties hereto choose the following addresses as their *domicilia citandi et executandi* and for all purposes arising from this mining right, in particular for the purposes of serving of any notice in terms of this mining right, and any notice properly addressed to the under mentioned postal addresses of the parties shall be deemed to have been received by the addressee within 14 days if given in writing and posted by prepaid registered post addressed to the addressee at the relevant postal address:

20.1.1. In the case of the Minister:

Physical Address	Postal Address
<p><b>Cnr. Paul Kruger and Botha Avenue</b>  <b>Province House</b>  <b>Witbank</b>                      Code 1035                      Tel (013) 656 1448                      Fax (013) 690 3288</p>	<p><b>Private Bag x 7279</b>   <b>Witbank</b>                      1035</p>

20.1.2. In the case of the Holder:

Physical Address	Postal Address
<p><b>8<sup>th</sup> Floor, JHI House</b>  <b>11 Cradock Avenue</b>  <b>Rosebank</b>                      Code                      Tel (011) 441 6800                      Fax (011) 880 0245</p>	<p><b>PO Box 2344</b>   <b>Saxonwold</b>                      2132  <b>WILLEM DANIEL NORTJE</b>                      NOTARIS/NOTARY                      SMUTS PARK, WITBANK, R.S.A.</p>

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20.2. Notwithstanding anything to the contrary herein contained, a written notice or communication actually received by a party at any place other than the chosen *domicilia citandi et executandi* shall constitute adequate notice or communication to the party notwithstanding that it was not sent to or delivered at such party's chosen *domicilium citandi et executandi*.

20.3 Either party shall be entitled from time to time to change the *domicilia citandi et executandi* or postal address furnished above after giving at least 14 days prior written notice of such change to the other party, failing which the above mentioned addresses will remain in force.

20.4. Any written notice or communication contemplated in this clause which is forwarded by one party to the other by registered post will be presumed to have been received by the addressee on the fourteenth day following the date of posting from an address within the Republic of South Africa to the addressee at the postal address of the addressee for the time being as determined in accordance with the provisions of this clause.


**21. Costs**

The Holder shall pay all costs and charges incurred in connection with the execution and registration of this prospecting right.

Thus done and signed at **Witbank** on the **6<sup>th</sup>** day of **December** in the year **2006** in the presence of the undersigned witnesses:


AS WITNESS:

  
\_\_\_\_\_




For and on behalf of the Minister

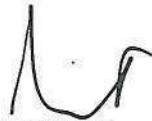
AS WITNESS:

  
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For and on behalf of the Holder

  
**WILLEM DANIEL NORTJE**  
NOTARIS/NOTARY  
SMUTS PARK, WITBANK, R.S.A.

  
Notary Public

WILLEM DANIEL NORTJE  
NOTARY PUBLIC  
SMUTS PARK, WITBANK, R.S.A.

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**R. M. T. No.**

**PLAN PREPARED IN ACCORDANCE WITH**

a. Regulation 42 of the Mining Titles Registration Act, (Act 16 of 1967)  
 b. Regulation 2(2) of the Mineral and Petroleum Resource Development Act (Act 28 of 2002).

**APPROVED**

*[Signature]*

REGIONAL MANAGER  
 MPUMALANGA REGION  
 Department of Minerals and Energy  
 Date : 06/12/2006

**DETAILS OF HOLDER**

DORSFONTEIN COAL MINE (Pty) Ltd  
 (Registration No. 1952/003176/07)  
 Name of representative: \_\_\_\_\_

Signed: *[Signature]*  
 Date : 29 November 2006

**PREPARED BY :**

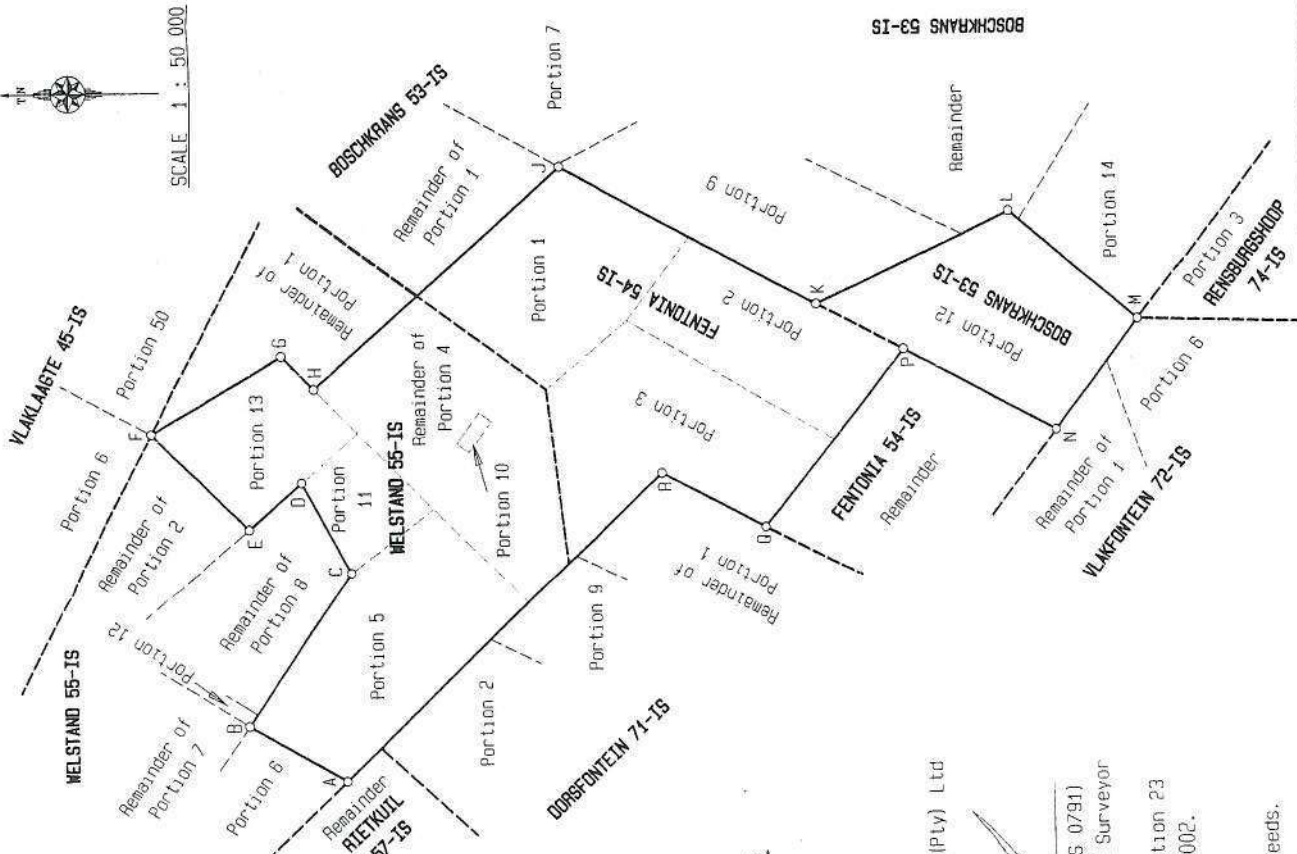


**REED & PARTNERS - SECUNDA**  
 PROFESSIONAL LAND SURVEYORS

Vos, Viljoen & Becker Building  
 PO Box 985  
 SECUNDA  
 2302

Tel : (017) 6311394  
 Fax : (017) 6311770  
**WILLEM DANIEL NORTJE**  
 NOTARIS/NOTARY

SECURITIES PARK, WITBANK-R.S.A.  
 FENTONIA-18  
 REV. NO. 1



SIDES (Metres)	ANGLES OF DIRECTION	CO-ORDINATES	
		Y	X
	Constants	0,00	0,00
A B	210 07 20	-32 415,69	+2 898 549,81
B C	304 11 54	-32 945,58	+2 897 636,52
C D	242 30 29	-34 382,63	+2 898 613,08
D E	138 49 04	-35 254,22	+2 898 159,52
E F	225 54 10	-34 813,93	+2 897 656,27
F G	1414,39	-35 734,28	+2 896 764,48
G H	434,39	-36 453,14	+2 897 982,57
H J	3133,70	-36 142,23	+2 898 285,93
J K	2746,53	-38 203,85	+2 900 645,97
K L	2014,15	-36 896,22	+2 903 061,24
L M	1589,91	-37 747,25	+2 904 886,78
M N	1299,85	-36 714,84	+2 906 095,88
N P	1628,46	-35 684,31	+2 905 303,64
P Q	2121,02	-36 458,83	+2 903 871,16
Q R	1105,10	-34 793,32	+2 902 557,83
R A	4197,24	-35 315,75	+2 901 584,02

The figure A B C D E F G H J K L M N P Q R A represents a Mining Right in extent 2066,6889 hectares, granted to DORSFONTEIN COAL MINE (Pty) Ltd on

**PORTION 12 OF THE FARM BOSCHKRANS No. 53-1S AND PORTIONS 1, 2 AND 3 OF THE FARM FENTONIA No. 54-1S AND THE REMAINDER OF PORTIONS 4 AND PORTIONS 5, 10, 11, AND 13 OF THE FARM WELSTAND No. 55-1S**

Province : MPUMALANGA  
 Registration Division : IS  
 District : KRIEL

To be registered in the name of : DORSFONTEIN COAL MINE (Pty) Ltd  
 Reg. No. : 1952/003176/07

Compiled in November 2006 by me  
*[Signature]*  
 H L Susen (PLS 0791)  
 Professional Land Surveyor

Framed for the purpose of a Mining Right in terms of Section 23 of the Mineral and Petroleum Resources Development Act 2002. (Act 28 of 2002)

The area refers to the areas as indicated on the title deeds.

MVC

# Mpumalanga Provincial Government

Building 6, Government Boulevard,  
Riverside Park Extension 2  
Nelspruit, 1200  
Republic of South Africa



Private Bag x 11219  
Nelspruit 1200  
South Africa  
Tel: ☎ (013) 7666040  
Fax: 📠 (013) 7668445

## DEPARTMENT OF AGRICULTURE AND LAND ADMINISTRATION DIRECTORATE: ENVIRONMENTAL IMPACT MANAGEMENT

Litiko Letekulima Kanye  
Nekuphatfwa Kwemhlaba

Departement van Landbou, en  
Grondadministrasie

Umyango Wezokulima,  
Nebhoduluko KweNarha

**Enquiries: Musa Mondlane**

Total Coal South Africa (Pty) Ltd  
P.O. Box 2344  
Saxonwold  
2132

Fax: (011) 441 6824  
Tel: (011) 441 6800

**Attention: Mr. William Seabi**

**PER FACSIMILE/REGISTERED MAIL**

Dear Sir,

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED DORTSFONTEIN COAL MINE EXPANSION PROJECT SITUATED ON PORTIONS 4, 6, 13, 26, 33, 34, 39, 48 & THE REMAINING EXTENT OF THE FARM VLAKLAAGTE 45 IS, PORTION 16 OF THE FARM VAALKRANZ 29 IS AND PORTIONS 1, 7, & 16 OF THE FARM HAASFONTEIN 28 IS, KRIEL, MPUMALANGA.**

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 7 (SEVEN) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.



Your attention is drawn to Chapter 7 of the Regulations, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 10 days of receiving this letter, by means of one of the following methods:

**By facsimile:** (013) 7668 445

**By post:** Private Bag x 11219  
Nelspruit  
1200

**By hand:** Building 6, Government Boulevard,  
Riverside Park Extension 2  
Nelspruit  
1200

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully,



**Director: Environmental Impact Management  
For HOD: Agriculture and Land Administration**

2009/11/09  
\_\_\_\_\_  
Date

## Mpumalanga Provincial Government

Building 6, Government Boulevard,  
Riverside Park Extension 2  
Nelspruit, 1200  
Republic of South Africa



Private Bag x 11219  
Nelspruit 1200  
South Africa  
Tel: ☎ (013) 7666040  
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### DEPARTMENT OF AGRICULTURE AND LAND ADMINISTRATION DIRECTORATE: ENVIRONMENTAL IMPACT MANAGEMENT

Litiko Letekulima Kanye  
Nekuphatfwa Kwemhlaba

Departement van Landbou, en  
Grondadministrasie

Umnyango Wezokulima,  
Nebhoduluko KweNarha

## Environmental Authorisation

**Authorisation register number** : 17/2/2/2 NK-7

**Holder of Authorisation** : TOTAL COAL SA

**Location of activity** : ON VARIOUS PORTIONS OF THE FARMS, PORTIONS 4, 6, 13, 26, 33, 34, 39, 48 & THE REMAINING EXTENT OF THE FARM VLAKLAAGTE 45 IS, VAALKRANZ 29 IS PORTIONS 16 AND PORTIONS 1, 7, & 16 HAASFONTEIN 28 IS, KRIEL, MPUMALANGA

## 1. Decision

The Department is satisfied on the basis of the information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activity as specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## 2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2006, the Department hereby authorises:

Total Coal South Africa (Pty) Ltd  
P O Box 2344  
Saxonwold  
2132

Contact person: Mr. William Seabi

to undertake the following activity (hereafter referred to as "the activity"): The proposed expansion of the Dortsfontein Coal East Mine Expansion Project. The expansion will consist of the construction of a Conveyor and Railway Loop situated on Portion 4, 6, 13, 26, 33, 34, 39, 48 and the remaining extent of the farm Vlaklaagte 45 IS, Portion 16 of the farm Vaalkranz 29 IS and Portions 1, 7, and 16 Haasfontein 28 IS. The East Mine Expansion Project – will consist of the following: Loading bays from the plant to the conveyor; River crossing for conveyor; Service road for the conveyor; Railway loop that will be situated next to the Richards Bay Coal Terminal (RBCT) line and tie-in; product coal stockpiles; Load-out station onto the train wagons; Dust suppression at transfer points; Ancillary infrastructure. Existing access road to railway loop area and Clean and dirty water management system will be upgraded, Kriel (Ga-Nala), Mpumalanga. The proposed expansion is located at Emalahleni Local Municipality at the following co-ordinates: 26° 11' 12" S, 29° 45' 17" E  
**Listed as Item 2 as identified in terms of Chapter 5 of the National Environmental Management Act, 1998 and Government Notice R 387 of 21 April 2006**

The granting of this environmental authorisation is subject to the conditions set out below.

## 3 Scope of authorization

- 3.1 Authorization of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.2 The holder of the authorisation must ensure compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorization.
- 3.3 The activity which is authorized may only be carried out at the property indicated above.
- 3.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and

it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

- 3.5 This activity must commence within a period of two (2) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.6 This authorization does not negate the holder of the authorization, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

#### **Appeal of authorization**

- 3.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 10 (Ten) calendar days, of receiving notice of the Department's decision to authorize the activity.
- 3.8 The notification referred to in 3.7 must –
  - 3.8.1 specify the date on which the authorisation was issued;
  - 3.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 8 of the regulations; and
  - 3.8.3 advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

#### **Management of the activity**

- 3.9 The Environmental Management Plan ("EMP"), which fulfills the requirements of this authorization, must be compiled and submitted to the Department for approval. The EMP must:
  - 3.9.1 contain all the information specified in regulation 34 of the regulation;
  - 3.9.2 be approved by the Department before the commencement of any construction activities and
  - 3.9.3 be adhered to during the commencement, operation and closure of the activity.

#### **Commissioning and Operation of the activity**

- 3.10 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
- 3.11 All construction activities must be limited to the said site. No activities must be allowed on adjacent agricultural land.
- 3.12 Chemical toilets must be provided to be used by construction workers. These must be serviced on a regular basis and no pit latrines are allowed.
- 3.13 Potable water must be made available for site workers.
- 3.14 Proper waste management facilities must be provided as part of the construction camp. No dumping of any kind of waste (domestic, general, building rubble, etc) must take place on the adjacent agricultural land.
- 3.15 Proper storm water management measures must be implemented.
- 3.16 No servicing of vehicles must take place on site.
- 3.17 The contractors must ensure that the construction vehicles are in a good condition and do not leak oil or transmission fluid onto the site.
- 3.18 Soil contaminated by oil from leaking vehicles must be collected and disposed of at a hazardous waste disposal site.
- 3.19 The area to be cleared of vegetation must be limited in order to reduce the potential for dust generation especially during the windy months and erosion during the rainy season.
- 3.20 Dust suppression measures must be implemented during very dry and windy periods.
- 3.21 The excavation of soil must be done carefully and appropriate drainage systems incorporated.

- 3.22 Once the heavy machinery has cleared the stockpiles, the disturbed areas must be leveled and cleared of any foreign material
- 3.23 Noise must be well within the environmental noise limits as prescribed by Environment Conservation Act and other regulations.
- 3.24 A noise survey must be done and approved by Inspection Authority and Occupational Hygienist once construction of the plant is complete.
- 3.25 Noise from the railway line in combination with noise from the industrial activities must not have an impact on the operation of the mining activities.
- 3.26 The contractor doing civil work must ensure that construction waste is disposed of at the relevant registered municipal waste site and hazardous waste to Holfontein.
- 3.27 Other relevant approval from legislations, policies and or guidelines of any sphere of the government that are applicable must be considered before the construction of the activity.
- 3.28 Total Coal South Africa is responsible for the removal and appropriate disposal at a landfill site of all maintenance waste produced during the operational phase.
- 3.29 Total Coal South Africa must ensure that the material generated during the decommissioning phase is cleared from the site and disposed of at a registered landfill site.
- 3.30 Topsoil must be stripped to 400mm or up until hard rock is reached, along with all utilizable subsoil (500mm – 700mm).
- 3.31 Topsoil and subsoil are to be stockpiled separately in the vicinity of the source of the soil and clearly identified.
- 3.32 Prior to the removal of the soils for stockpiling additional sampling and analysis of the soils must be undertaken, to determine their suitability for use during rehabilitation.
- 3.33 Topsoil and subsoil must be sprayed with dust allaying agent immediately after being stockpiled.
- 3.34 Rapid growth of vegetation on stockpiles must be promoted by means of watering should self-succession not succeed.
- 3.35 The mine must ensure that all erosion control measures are included in the designs of all linear infrastructures (railway lines, power lines, conveyors, pipelines etc.) and points of water discharge.
- 3.36 Areas where erosion control measures have been implemented must be inspected on a weekly basis to determine their effectiveness.
- 3.37 Soil replacement and the preparation of a seedbed to facilitate the revegetation program to limit potential erodibility must be implemented.
- 3.38 Should vegetation be required, fertilizer must be applied to the topsoil stockpiles prior to vegetation.
- 3.39 Vegetation establishment in disturbed areas must be undertaken as soon as practically possible, with the growing season and water availability being the primary constraints.
- 3.40 There must be an incident management system including procedures and training for dealing with incidents.
- 3.41 Major spillage incidents must be reported to relevant authorities.
- 3.42 If spills do occur and soils become contaminated, the appropriate remedial measures must be identified in consultation with an appropriate qualified specialists.
- 3.43 Best waste management practices must be emphasized during the induction phase and on on-going basis.
- 3.44 Waste must be removed by licensed waste disposal company and should chemical toilets be utilized, the sewage must be removed by a licensed company.
- 3.45 Once the designated areas for waste skips and the planned amounts have been finalized, the mine has to obtain a section 20 applications from the Department of Water and Environmental Affairs in terms of the Environmental Conservation Act (Act No. 73 of 1989).
- 3.46 Contractor Lay Down Area needs to be established within designated mining areas, or where the footprint of the area will become part of the mining infrastructure (i.e. co-disposal facility area and opencast mining areas).

- 3.47 Fairly standard fertilizer treatments must be needed for optimum agricultural production of crops on areas that have previously been planted, and/or stockpiled for any length of time.
- 3.48 Should any rare or endangered species be found within the Expansion Project area must be relocated under the guidance of MDALA.
- 3.49 Dust must be suppressed by using the same dust suppression method as for topsoil stockpiles.
- 3.50 All employees must be made aware of all environmental issues during induction, and must continuously be updated of all new issues.
- 3.51 Clean and dirty water systems must be implemented prior to the commencement of construction activities.
- 3.52 All pollution control dams and other dirty water infrastructure must be lined with a HDPE liner.
- 3.53 All pollution control dams must be maintained regularly to maintain their effectiveness (i.e. removal of silt).
- 3.54 No activities associated with hydrocarbons and or chemicals (i.e. wash bays etc.) must be undertaken outside of an effectively designed contained area.
- 3.55 Spill clean up kits must be made available at each area where hydrocarbons are being utilized.
- 3.56 The stockpiles and pollution control dams must be within the mining rights area and be within designated areas.
- 3.57 Ongoing ambient and PM10 monitoring must be implemented with dust monitors installed on site.
- 3.58 All vehicles must use the limited speed of 40km per hour, especially during the high-risk periods of high winds.
- 3.59 There must be a consultation and cooperation with local law enforcement agencies to ensure legal and regulatory compliance on the road are adhered to.
- 3.60 Graveyards must be preserved in situ, they must be demarcated with brick walls or with fences and the mine must remain responsible for their future unaffected existence.
- 3.61 A forensic archeologist or reputed undertaker who is acquainted with the administrative procedures and relevant legislation must be involved whenever human remains are exhumed and relocated.
- 3.62 If there are any land claims submitted to the Department of Land Affairs, in terms of the Restitution Act, commencement of the mine activities must stop until the claim is resolved or finalised, and proper procedures and processes of the legislation must be followed about the claim.
- 3.63 Surrounding property owners must be informed of the blasting procedures and schedules and blasting times must be planned in advance and must be clearly indicated on the mining area.
- 3.64 Employees and outside contractors must be informed of the blasting procedures and the associated safety measures during induction.
- 3.65 Before construction commences, representatives from the local authority and community based organizations, as well as neighbouring residents must be informed of the details of the construction company, size of the workforce and construction schedules.
- 3.66 Construction workers must be easily identified as part of the construction team by wearing the specific clothing and/or name tags.
- 3.67 Pro-active measures must be put in place by the Emalahleni Local Municipality and DCM to minimize negative impacts associated with the influx of construction workers and potential job seekers to the area.
- 3.68 Pro-actively inform the local municipality and local residents of roads closure and diversions.
- 3.69 The Expansion Project must link with the Integrated Development Plan (IDP) of the Emalahleni Local Municipality especially with regards to the planning processes to ensure adequate water supply and other programmes.
- 3.70 Provide opportunities for local businesses to become involve at the start of the procurement process and by allowing them to form part of the tender process.
- 3.71 A skills development programme must be embarked upon before the mine is fully operation to ensure that locals are "employed".

- 3.72 Take care to implement the aspects indicated in the EMP, with specific focus on water (surface and ground) and dust management.
- 3.73 Ensure access points comply with standards and are well marked and indicated.
- 3.74 An environmental Committee must be established and used as a forum to keep interested and affected parties informed of the significant environmental aspects identified through the Environmental Impact Report and Environmental Management Plans.
- 3.75 Water sprays must be used in the loading of stockpiles.

**General**

- 3.76 A copy of this authorization must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.77 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the applicant knows the new details.
- 3.78 The holder of the authorisation must notify the Department, in writing and within 24 (twenty four) hours, if conditions of this authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.79 Non-compliance with a condition of this authorization may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

**Environmental Authorisation approved by:**



**Director: Environmental Impact Management  
For HOD: Agriculture and Land Administration**

2009/11/09  
Date

## Annexure 1: Reasons for the Decision

### 1. Background

- 1.1 The applicant, Total Coal South Africa, applied for authorisation to continue with the following activity:

**Item 2 of Government Notice R 387 of 21 April 2006** – The proposed expansion of the Dortsfontein Coal East Mine Expansion Project. The expansion will consist of the construction of a Conveyor and Railway Loop situated on Portion 4, 6, 13, 26, 33, 34, 39, 48 and the remaining extent of the farm Vlaklaagte 45 IS, Portion 16 of the farm Vaalkranz 29 IS and Portions 1, 7, and 16 Haasfontein 28 IS. The East Mine Expansion Project – will consist of the following: Loading bays from the plant to the conveyor; River crossing for conveyor; Service road for the conveyor; Railway loop that will be situated next to the Richards Bay Coal Terminal (RBCT) line and tie-in; product coal stockpiles; Load-out station onto the train wagons; Dust suppression at transfer points; Ancillary infrastructure. Existing access road to railway loop area and Clean and dirty water management system will be upgraded, Kriel (Ga-Nala), Mpumalanga. The proposed expansion is located at Emalahleni Local Municipality at the following co-ordinates: 26° 11' 12" S, 29° 45' 17" E

- 1.2 The applicant appointed the following Environmental Assessment Practitioner to undertake a Environmental Impact Assessment process:

GCS (Pty) Ltd  
63 Wessel Road Woodmead  
PO Box 2597  
Rivonia  
2128

Contact person: Mrs. Tanja Bekker  
Tel: (011) 803 5726  
Fax: (011) 803 5745

### 2. Information considered in making the decision.

In reaching its decision, the Department took the following into consideration:

- a) The information contained in the Environmental Impact Report.
- b) The comments received from interested and affected parties as included in the Environmental Impact report and those received by hand on 24 June 2008.
- c) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- d) The findings of the site visit undertaken by Musa Mondlane from the Department on 5<sup>th</sup> February 2009.

### 3. Key factors considered in making the decision.

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues, which, in the Department's view, were of the utmost significance, is set out below:



- a) The proposed expansion is as a result of the agreement between DCM with the Richards Bay Coal Terminal (RBCT) to supply the terminal with 2 million tones of export coal per annum. The additional coal supply requirement has initiated the expansion of the current DCM activities and infrastructure in order to provide for the entitlement.
- b) The proposed railway line will be built predominantly on an existing railway foundation, reducing the significance of additional impacts of the railway on the affected wetlands, as existing crossings will be used.
- c) Due to mine dewatering, the groundwater flow directions will be towards the mining area, thereby effectively preventing any contamination migrating away from the mining area.
- d) All roads within the mine area will be 7,4m wide gravel roads which cater for the movement of heavy vehicles and machinery between the mining area, beneficiation plant and the supporting infrastructure.
- e) All roads will be located outside the 1:50 year flood lines, except where they cross a stream.

#### 4. Findings

After consideration of the information and factors listed above, the Department made the following findings:

- a) The proposed development will take place on a disturbed land
- b) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the Environmental Impact report and conditions of this environmental authorisation be implemented and adhered to.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated for to acceptable levels. The application is accordingly granted.



# mineral resources

Department:  
Mineral Resources  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X7279, Emalahleni, 1035, Tel: 013 653 0500, Fax: 013 656 1474  
1<sup>st</sup> floor Saveways Crescent Centre, Mandela Drive, Emalahleni, 1035

**Enquiries:** Ms. M.C Mutengwe **Email:** [mashudu.mutengwe@dmr.gov.za](mailto:mashudu.mutengwe@dmr.gov.za)

**Ref no:** (MP) 30/5/1/2/3/2/1/ (51) EM

**Directorate:** Mine Environmental Management: Mpumalanga Region

**BY HAND**

**Exxaro Coal Central (Pty) Ltd (Dorstfontein West)**

Private Bag X 5007

**GANALA**

2271

**Attention:** Mr William Seabi

Tel no : (011) 441 6857

Email: William.Seabi@exxaro.com

**ENVIRONMENTAL AUTHORISATION ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 (NEMA) AS AMENDED, THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 IN RESPECT OF PORTION 2, 3 AND 8 OF THE FARM DORSTFONTEIN 71 IS, PORTIONS 4, 5, 11, 13 AND THE REMAINDER OF THE FARM WESTLAND 55 IS SITUATED WITHIN THE MAGISTERIAL DISTRICT OF BETHAL; MPUMALANGA REGION.**

With reference to the above-mentioned application, the Department has decided to **grant** environmental authorisation in terms of National Environmental Management Act (Act 107 of 1998) as amended. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations of 2014, you are instructed to notify all registered interested and affected parties, in writing within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a courtesy copy of such an appeal to the Department of Mineral Resources (Mpumalanga Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as per prescribed below:

## Appeal to the Department of Environmental Affairs

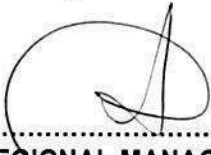
**Attention** : Directorate Appeals and Legal Review  
**Email** : [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za)  
**By post** : Private Bag X 447, **PRETORIA**, 0001  
**By hand** : Environmental House, Corner Steve Biko and Soutpansberg Street, Arcadia,  
**Pretoria**, 0083

## Copy of the lodged appeal to the Department of Mineral Resources

**Attention** : Regional Manager: Mpumalanga Region  
**By facsimile** : (013 656 1474  
**E-mail** : [lydia.maphopha@dmr.gov.za](mailto:lydia.maphopha@dmr.gov.za)  
**By post** : Private Bag X 7279, **WITBANK**, 1035  
**By hand** : 1<sup>st</sup> Floor Saveways Centre, Nelson Mandela Drive, Emalahleni, 1035

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected parties, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Kind Regards



Acting REGIONAL MANAGER: MINERAL REGULATION  
MPUMALANGA REGIONAL OFFICE

DATE: 3 September 2019

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## A DEFINATION

**“activity”** means an activity identified-

- (a) in Government Notice No. R. 983 of 2014 as a listed activity; or
- (b) in any other notice published by the minister or MEC in terms of Section 24D of the Act as a listed activity or specified activity.

**“associated structures or infrastructure”** means the building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility.

**“commence”** means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

**“construction”** means the building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure.

**“independent”**, in relation to an EAP or a person compiling a specialist report or undertaking a specialised process or appointed as a member of an appeal panel, means

- a) that such EAP or person has no business, financial, personal or other interest in the activity, application or appeal in respect of which that EAP or person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that activity, application or appeal; or
- b) that there are no circumstances that may compromise the objectivity of the EAP or person in performing such work.

**“public participation process”** in relation to the assessment of the environmental impact of any application for an environmental authorisation, means process by which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to the application,

**“registered interested and affected party”**, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of Regulation 42.

**“the Act”** include the schedule and regulations and any notice issued under the Act.

**“the Department”** means the Department of Mineral Resources

**“the Regulations”** means the Environmental Impact Assessment Regulations, 2014.

## **B. ENVIRONMENTAL AUTHORISATION**

**ENVIRONMENTAL AUTHORISATION ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (NEMA) AS AMENDED, THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2014 EXTENTION OF PIT 1 BY 15.5 HECTARES AND UNDERGROUND BY 39 HECTARES, PIPELINE, CONTACTORS CAMPS AND LOADING, HAULING AND TRANSPORT IN RESPECT OF PORTION 2, 3 AND 8 OF THE FARM DORSTFONTEIN 71 IS, PORTIONS 4, 5, 11, 13 , THE REMAINDER OF THE FARM WESTLAND 55 IS AND THE REMAINDER OF THE FARM RIETKUIL 558 IS, SITUATED IN THE MAGISTERIAL DISTRICT OF BETHAL IN MPUMALANGA REGION.**

**1. REFERENCE NUMBER: (MP) 30/5/1/2/2/ (51) EA**

### **2. BRIEF DESCRIPTION OF THE ACTIVITIES**

Exxaro Coal Central (Pty) Ltd (Dorstfontein East Mine) want to expand pit 1 by 15.5 hectares and from there go underground for 39 hectares, pipeline, contactors camp and loading, hauling and transport.

### **3. LOCATION**

The site is located in respect of portions 2,3 and 8 of the farm Dorstfontein 71 IS, portions 4,5,11,13 and the remainder of the farm Westland 55 IS, and the remainder of the farm Rietkuil 558 IS , the mine is situated 30 km northwest of Bethal and 25 km Northwest of Secunda.

### **4. APPLICANT**

Exxaro Coal Central (Dorstfontein East Mine)  
Private Bag X 5007  
**GANALA**  
2271

Contact Person: Mr William Seabi  
Tel no: (011) 441 6857

### **5. ENVIRONMENTAL ASSESSMENT PRACTITIONER**

SRK Consulting (Pty) Ltd  
Contact Person: Andrew Caddick  
Tel No: 011 441 6857

### **6. SITE VISIT**

A site visit was never conducted.

## 7. DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation. An Authorisation is granted in terms of section 24(2) (a) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended specified below

### GNR 983

**Activity 10** –The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewage , effluent, process water, waste water, return water, industrial discharge or slimes-with an internal diameter of 0,36 metres or more ; or with a peak throughput of 120 litres per second or more; excluding where such infrastructure is for the bulk transportation of sewage ,effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or where such development will occur within an urban area.

**Activity 12** -The development of dams or weirs, where the dam or weir , including infrastructure and water surface area exceeds 100 square metres; or infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs within a watercourse, in front of the development setback; or if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development of the port or harbour, where such development are related to the development of a port or harbour , in which case activity 26 in listing notice 2 of 2014 applies; activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in listing notice 3 of 2014 in which the case that activity applies; where such development occurs within an urban area ; or where such development occurs within existing roads , road reserves or railway line reserves .

**Activity 19**-The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from-a watercourse; the seashore; or the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-but excluding where such infilling, depositing, dredging, excavation, removal or moving-will occur behind a development setback; is for maintenance purposed undertaken in accordance with a maintenance management plan; or falls within the ambit of activity 21 in this Notice, in which case that activity applies.

**Activity 24** - The development of a road which an environmental authorization was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010 or a road with a reserve wider than 13, 5 meters or where no reserve exists where the road is wider than 8 meters but excluding roads which are identified and included in activity 27 in listing notice 2 of 2014 or roads where the entire road falls within an urban area.

**Activity 28** –Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.

**Activity 34:** The expansion of existing facilities or infrastructure for any process or activity where such expansion will result in the need for a permit or licence or an amended permit or licence in terms of national or provincial legislation governing the release of emissions, effluent or pollution,

#### **GNR 984**

**Activity 6**–“the development of facility or infrastructure for any purpose or activity which requires a permit or licence in terms of national or provincial legislation governing the generation or release of emission, pollution or effluent, excluding

#### **BACKGROUND**

The applicant, **Exxaro Coal Central (Pty) Ltd (Dorstfontein East Mine)**, applied for authorization to carry on the following activit(ies):

To expand pit 1 by 15.5 hectares and from there go underground for 39 hectares, pipeline, contactors camp and loading, hauling and transport. in respect of portions 4,5,11,13 and the remainder of the farm Westland 55 IS, and the remainder of the farm Rietkuil 558 IS , the mine is situated 30 km northwest of Bethal and 25 km Northwest of Secunda

The applicant appointed SRK Consulting (Pty) Ltd undertake an Environmental Impact Assessment Process.

#### **7.1 INFORMATION CONSIDERED IN MAKING THE DECISION**

In reaching its decision, the Department took, *inter alia*, the following into consideration –

- a) The information contained in the application form dated 12 July 2019, Scoping Report dated 17 August 2017 and Environmental Impact Assessment report (EIAR) Environmental Management Programme report (EMPr) dated 12 July 2019.
- b) The objectives and requirements of relevant legislation (Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), other environmental legislation, policies, guidelines and the EIA Regulations of 2014;
- c) Public Participation Process (PPP) attached as Appendix C-H of the EIAR and EMPr;
- d) The comments received from the organs of state and interested and affected parties as included in the EIAR dated 12 July 2019;
- e) The information contained in the specialists studies of the EIAR dated 12 July 2019;
- f) Mitigation measures as proposed in the EIAR dated 12 July 2019 and



- g) Layout Plan describing the location of the activities

## 7.2 KEY FACTORS CONSIDERED IN MAKING THE DECISION

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

### a) Public participation:

- i) The public participation process undertaken involved identification of stakeholders (i.e. land owners, lawful occupiers of land, relevant authorities, utilities and members of the public); establishment of stakeholder database; Establishment of stakeholder database eight (9) site notices were placed at 9 locations around the proposed area, Media advertisement on The Witbank Nuus on 05 May 2017, public meeting was held on 17 November 2017 ;
- ii) Issues raised during the meetings; issues raised during the public participation process were adequately addressed and measures have been provided.

### b) Specialist studies conducted

- Archaeological Assessment Study
- Noise Assessment Study
- Air Quality Assessment Study
- Geo-hydrological Assessment Study
- Hydrological Assessment Study
- Ecological Assessment Study
- Hydropedological Assessment Study
- Wetland Assessment Study
- Soil, Land Use and Land Capability Assessment Study
- Social Assessment Study
- Paleontological Assessment Study

### c) Financial provision

The quantum of financial provision calculated to the amount of R 183,415,578.69 for the purpose of rehabilitation

## 7.4 FINDINGS

After consideration of the information and factors listed above, the Department made the following findings:

- a) The potential impacts on the proposed activities were clearly assessed, investigated and mitigation measures were outlined.
- b) Public Participation Process complied with Chapter 6 of the EIA Regulations R.982 of 2014. The Public participation process included, *inter-alia*, the following:
  - iii) Identification of stakeholders (i.e. land owners, lawful occupiers of land, relevant authorities, utilities and members of the public);
  - iv) Establishment of stakeholder database;
  - v) Ten (9) site notices were placed at 9 locations around the proposed area;
  - vi) Media advertisement on Witbank Nuus on 05 May 2017 ;
  - vii) Public meeting was held on 17 November 2017;
  - viii) Issues raised during the meetings; issues raised during the public participation process were adequately addressed and measures have been provided.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorization, the authorized activity will not conflict with the general objectives of Integrated Environmental Management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and that any potentially detrimental environmental impacts resulting from the authorized activities can be mitigated to acceptable levels.

The granting of this Authorization is subject to the following conditions set out below:

## 8 CONDITIONS

### 8.1 STANDARD CONDITIONS

- 8.1.1 Authorisation of the activity is subject to the conditions contained in this Authorisation, which forms part of the Environmental Authorisation and are binding on the holder of the Authorisation.
- 8.1.2 The holder of the Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the Authorisation.
- 8.1.3 Any changes to, or deviations from, the project description set out in this Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the Authorisation to apply for further Authorisation in terms of the Regulations.
- 8.1.4 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, including the transfer of this authorization, the applicant must in writing notify the Regional Manager of this Department, within **fourteen (14) days** of the above specified change.

- 8.1.5** A copy of this authorisation must be kept on site. The Authorisation must be produced to any Governmental official(s) who may requests to see it for inspection purposes and must be made available to the contractor(s) /subcontractor(s) authorised to undertake work at the property.
- 8.1.6** This authorization does not negate the holder of the Authorisation's responsible to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 8.1.7** After an appeal period has expired and no good course to extent the appeal period has been submitted in accordance with Chapter 2 of the National Appeal Regulations of 2014, a **thirty (30) day**-written notice must be given to the Department that the activity will commence. Commencement for purpose of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

## **8.2 SPECIFIC CONDITIONS**

### **8.2.1 COMMISSIONING OF THE ACTIVITY**

- 8.2.1.1** This Authorization is hereby solely granted for the pit 1 expansion and underground mining, pipeline, contractor's camp, loading, hauling and transport.
- 8.2.1.1.1** The applicant must undertake an agronomic assessment to inform agricultural potential and options for farming on areas not affected by the mine and related infrastructure.
- 8.2.1.1.2** The activity may not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local.
- 8.2.1.1.3** The applicant must ensure that all applicable NEM: WA listed activities and NWA water uses are applied for separately to the relevant department, and that the relevant license /authorization is granted prior to any activities that trigger these acts are undertaken.
- 8.2.1.2** The applicant must apply the principle of best practicable environmental option for all technologies used/implemented during mining.
- 8.2.1.3** The applicant is to conduct a skills survey among farm workers who may lose their jobs as a result of the mining development.

#### **8.2.1.4 Pre-construction Phase**

- a) The applicant must appoint an independent Environmental Control Officer (ECO) who will monitor contractors, compliance with EMP and EA (see 8.2.2. Management of the activity for more details).
- b) The applicant must provide all contractors and sub-contractors with a copy of Environmental Management Programme and Environmental Authorisation prior to the mining activities.

- c) All pre-construction phase mitigation measures as outlined in the Environmental Management Programme attached in Environmental Impact Assessment report must be adhered to at all times.
- d) In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).
- e) Appropriate notification sign must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.
- f) Construction must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.
- g) Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- h) If any soil contamination is noted at any phase of the proposed activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.

#### **8.2.1.5 Access roads and traffic impact**

- a) Necessary signage and traffic measures must be implemented for safe and convenient access to the site from adjacent roads.
- b) Access roads must be well maintained throughout the mining operation

#### **8.2.1.6 Air quality management**

- a) Proper measures must be put in place to suppress dust in order to minimize nuisance conditions.
- b) A speed restriction of 40km/h must be enforced and monitored on site for all mine vehicles.

#### **8.2.1.7 Proliferation of alien species**

- a) All construction/mining equipment and vehicles must be cleaned before entering and leaving the site to reduce the chances of spreading weeds and invasive species.

#### **8.2.1.8 Noise**

- a) Construction/ mining activities must be limited to normal working hours (7h00 – 17h00)
- b) Mine vehicles must be fitted with standard silencers prior to beginning of construction.

### **8.2.1.9 Erosion control measures**

- a) All soil surfaces compacted as a result of mining/construction activities must be ripped, and imported materials must be removed.
- b) Any erosion channel developed during mining/construction period or during vegetation establishment must be restored to a proper condition.

### **8.2.1.10 Excavation activities**

- a) Topsoil must be stripped and stockpiled prior to excavation in a designated area.
- b) Under no circumstances should material stockpiles be disposed of outside the boundary of the mine area.

### **8.2.1.11 Waste management**

- a) General waste must be kept in containers which are wind and scavenger proof, and disposed of at a permitted landfill site. No temporary dumping and littering of waste is allowed on site.
- b) No waste must be disposed of through burying and burning.
- c) All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- d) An emergency preparedness plan to address any pollution incidents (e.i such as oil spillage etc) that occur on site must be developed.

### **8.2.1.12 Surface and groundwater contamination must be prevented and/or mitigated by implementation of the following conditions**

- a) Specific area must be demarcated for fueling and workshop services. And such area must be banded to reduce the possibility of soil and water contamination.
- b) Irrespective of the nature of a spillage (whether major or minor), all spillages must be cleaned up as soon as they occur.
- c) Spillage of petrochemical products must be avoided. In the case of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a facility for the substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on site.

### **8.2.1.13 Fire prevention and management**

- a) Fire extinguishers that are in good working conditions must be made available at all times for their usage during the occurrence of accidental fires
- b) Workers must be adequately trained in the handling of firefighting equipment.
- c) Open fires must strictly be prohibited.
- d) Smoking must be prohibited in the vicinity of flammable substances.

- e) Cooking and heating fires must be permitted only in designated areas with appropriate safety measures.

#### **8.2.1.14 Storm water management**

- a) Storm water management plan must be developed, and implemented on site.

#### **8.2.1.15 Safety**

- a) Potentially hazardous area must be demarcated with danger tape.
- b) Appropriate signage must be placed to caution employees and contractors not to attempt to enter certain structures without being authorised.

#### **8.2.1.16 Emergency Response Plan**

- a) An Emergency Response Plan should be available for accidental spills and fire fighting during both construction and operation of the project.
- b) In the event of emergency, the holder must notify the department within 24hrs, and contact relevant emergency services in the area.
- c) All significant pollution incidents must be reported to this Department within **forty eight (48) hours** of occurrences

#### **8.2.1.18 Compliance with other legislation**

- a) The National Environmental Management Act, 1998 (Act 107 of 1998), with particular reference to the principles in chapter 2 of the said Act.
- b) The National Water Act, 1998 (Act 36 of 1998), with particular reference to the sections pertaining to mining in the proximity of dams and their catchments areas, rivers, marshes, streams, pans and other water courses.
- c) The National Environmental Management Air Quality Act (Act 36 of 2004), with particular reference to the sections pertaining to the liberation of dust, and other emissions, created by prospecting activities, into the atmosphere.
- d) The Conservation of Agriculture Resources Act, 1983 (Act 43 of 1983), with particular references to the sections pertaining to soil conservation.
- e) The National Heritage Resources Act, 1989 (Act No 25 of 1999), with particular reference to the protection of all historical and pre-historical cultural remains.
- f) The Mine Health and Safety Act, 1996 (Act 29 of 1996) in conjunction with the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), with particular reference to those sections and regulations pertaining to health and safety at mines; mining within 100 m from structures that must be protected; as well as those sections pertaining to rehabilitation of the surface.
- g) All provisions of the Occupational Health and Safety Act, 1993 (Act No.85 of 1993) and any other applicable legislation must be adhered to by the holder of this Authorisation.

- h) The National Environmental Management: Waste Act (Act No. 59 of 2008)

#### **8.2.1.19 Liability of the holder of this Authorisation**

- a) The competent authority shall not be held responsible for any damages or losses suffered by the holder or his/her successor in title in any instance where mining/ construction or operation subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the holder with conditions of approval as set out in the document or any other subsequent document emanating from this Authorisation. The holder shall be responsible for all the costs necessary to comply with the above condition unless otherwise specified.
- b) Any complaint from the public during the life of mine must be attended to by the holder of this Authorisation as soon as possible to the satisfaction of parties concerned.
- c) The contractor must ensure that serviceable ablution facilities are available for employees. It is the responsibility of the holder of the Authorisation to see to it that this condition is adhered to.

#### **8.2.2 MANAGEMENT OF THE ACTIVITY**

- a) A copy of an Environmental Authorization and Environmental Management Programme must always be available on site so as to monitor compliance with conditions outlined in both the documents. Both documents must be used as on-site reference document during the life of mine.
- b) The Environmental Management Programme prepared by SRK Consulting (Pty) Ltd (attached to the EIA Report) must be adhered to during the life of the mine.
- c) All duties and responsibilities as outlined in the Environmental Management Programme attached are binding throughout the life of the mine
- d) Any proposed amendments to the Environmental Management Programme (as a result of this authorization or otherwise) must be submitted in writing to this Department for approval prior to the amendment being implemented. On approval of the proposed amendment the EMP must be accordingly amended and adhered to.

#### **8.2.3 Appointment of Environment Control Officer**

- a. An Environmental Control Officer must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in the Environmental Authorization and Environmental Management Programme, prior to any commencement of mining activities on site.
- b. The Environment Control Officer appointed must monitor the construction of the infrastructure to ensure that the layout plans are in accordance to the designs and record important findings of the site inspection.
- c. The Environment Control Officer must also monitor the implementation of specific elements of the Environmental Management Programme by contractors.

- d. All duties and responsibilities as outlined in the Environmental Management Programme attached are binding throughout the life of project/ mine.

#### **8.2.4 Site Closure and Decommissioning**

- a) The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in the EMPr.
- b) The application for closure indicated above must be submitted together with all relevant documents as indicated in Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended.
- c) All mitigation measures for the decommissioning phase, as outlined in the EA. The holder of EA must apply for a closure certificate in terms of Section 43 of Mineral and Petroleum Resources Development Act (Act 28 of 2002), as amended within 180 days of occurrence of lapsing, abandonment, cancellation, cessation, relinquishment and completion of the operation.

#### **8.3 MONITORING**

- a) This Department reserves the right to monitor and audit the activity to ensure compliance with legislation and the conditions stipulated in this authorisation.
- b) It is the holder of this Authorisation's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life of the mine is put into practice.

#### **8.4 RECORDING AND REPORTING TO THE DEPARTMENT**

The authorization holder must submit annual an environmental audit report during the operation of the activity, unless otherwise requested by the department. The audit report must convey the following:

- a) The date in which the audit was carried out,
- b) The outcome of the audit, in relation to the conditions stipulated in the environmental authorization and the EMPr as well as the actions taken to mitigate environmental impacts on site
- c) Records of monitoring and /or auditing must be made available for inspection to this Department and any other relevant authority inspecting the development activities.
- d) Records relating to compliance and non-compliance with the conditions of this authorisation must be kept in good order. Such records shall be made available to this Department within **seven (7) days** of receipt of a written request by the Department. Environmental compliance will further be monitored through complaints received from the public.
- e) All records relating to the implementation of the Environmental Management Programme must be kept in the office where it is safe and can be retrievable.



## 8.5 NON-COMPLIANCE

- a) In the event of non-compliance by any contractor during the construction/mining the authorized activity, the holder of this Authorization will be liable.
- b) The holder shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- c) The holder must in the event of non-compliance with any condition of this Authorisation inform the Regional Manager of Mpumalanga region of this Department, in writing, within **forty eight (48) hours**
- d) Non compliance to this authorisation is an offence as provided for in terms of the National Environmental Management Act, 1998, Section 49(a) and Regulation 48. Any conviction of such offence may result in Section 49(a) being enforced.

## 9. APPEAL OF AUTHORISATION

The holder of the authorisation must notify every **registered** interested and affected party, in writing and within fourteen **(14) days**, of receiving the Department's decision.

The notification must –

- a) Specify the date on which the Authorisation was issued.
- b) Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations of 2014.
- c) Advise the interested and affected parties that a copy of the Authorisation and reasons for the decision will be furnished on request.
- d) An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations of 2014.

Signed on this...<sup>3rd</sup>...day of...September...2019, at...WITBANK.....

  
.....  
**REGIONAL MANAGER: MINERAL REGULATION**  
**MPUMALANGA REGIONAL OFFICE**

*Acting*

Acknowledgement of Receipt by: Mr. /Ms. \_\_\_\_\_

On behalf of the company \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 2019, at \_\_\_\_\_

\_\_\_\_\_  
Signature:

# MPUMALANGA PROVINCIAL GOVERNMENT

Building No. 4  
No. 7 Government Boulevard  
Riverside Park Extension 2  
Nelspruit  
1200  
South Africa



Private Bag X 11215  
Nelspruit, 1200  
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## Department of Economic Development, Environment and Tourism

Liiko Letekutfutukiswa  
Kwetemnofo, Simondzwo netekuVakasha

Umgango WezokuThuthukiswa  
KoMnoho, iBhoduluko nezamaVakatjho

Departement van Ekonomiese  
Ontwikkeling, Omgewing en Toerisme

Enquiries: Musa Mondlane  
Tel: (013) 690 2595

Mr. William Seabi  
Total Coal South Africa (Pty) Ltd  
P.O. Box 2344  
Saxonworld  
3132  
Tel: (011) 441 6857  
Fax: (011) 441 6850

Dear Sir,

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED INSTALLATION OF ABOVEGROUND STORAGE TANKS ON PORTION 4 OF THE FARM WELSTAND 55 IS (DORSTFONTEIN COAL MINE-EAST EXPANSION), KRIEL, MPUMALANGA.**

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 7 (SEVEN) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, inter alia, lodge a notice of intention to appeal with the MEC, within 10 days of receiving this letter, by means of one of the following methods:





By facsimile: (013) 7668 4614  
By post: Private Bag x 11215  
Nelspruit  
1200

By hand: Building 4, Government Boulevard,  
Riverside Park Extension 2  
Nelspruit  
1200

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully,

**DR. V. DLAMINI**

**HEAD OF DEPARTMENT**

**DATE: 19 / 05 / 2011**

# MPUMALANGA PROVINCIAL GOVERNMENT

Building No. 4  
No. 7 Government Boulevard  
Riverside Park Extension 2  
Nelspruit  
1200  
South Africa



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Int: +27 13 766 4614

## Department of Economic Development, Environment and Tourism

Litiko Letekutufukiswa  
Kwetemnotfo, Simundzwo neteku Vakasha

Umngango WezokuThuthukiswa  
KoMnotho, iBhoduluko nezama Vakajho

Departement van Ekonomiese  
Ontwikkeling, Omgewing en Toerisme

## Environmental Authorisation

**Authorisation register number** : 17/2/3 N-19

**Holder of Authorisation** : Dortsfontein, Total Coal  
South Africa (Pty) Ltd

**Location of activity** : Portion 4 of the farm  
Welstand 55 IS, Kriel,  
Mpumalanga



## 1. Decision

The Department is satisfied on the basis of the information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activity as specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## 2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2006, the Department hereby authorises:

Total Coal South Africa  
P.O. Box 2344  
Saxonworld  
3132

**Tel No:** 011 441 6857

**Fax No:** 011 441 6850

**Attention:** William Seabi

To undertake the following activity (hereafter referred to as "the activity"): the proposed installation of 450m<sup>3</sup> of aboveground diesel storage tanks on Portion 4 of the farm Welstand 55 IS, Kriel, Emalahleni Local Municipality at the following co-ordinates: -26.18 S, 29.34 E: **Activity 13 as identified in terms of the National Environmental Management Act, 1998 and Government Notice R 544 of 2 August 2010.**

The granting of this environmental authorisation is subject to the conditions set out below.

## Conditions of Authorisation

### 3. Scope of authorization

- 3.1 Authorization of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.2 The holder of the authorisation must ensure compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorization.
- 3.3 The activity which is authorized may only be carried out at the property indicated above.
- 3.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations



may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.

- 3.5 This activity must commence within a period of two (2) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.6 This authorization does not negate the holder of the authorization, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

#### **Appeal of authorization**

- 3.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 10 (Ten) calendar days, of receiving notice of the Department's decision to authorize the activity.
- 3.8 The notification referred to above must –
- 3.8.1 specify the date on which the authorisation was issued;
  - 3.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
  - 3.8.3 advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

#### **Management of the activity**

- 3.9 The Environmental Management Plan ("EMP") submitted with the application for Environmental Authorisation is hereby approved and must be implemented and adhered to throughout the lifecycle of the project.
- 3.10 An independent Environmental Control Officer must be appointed to ensure compliance with the conditions of this Environmental Authorisation.
- 3.11 The holder of the authorization must submit a post-construction environmental audit report to the department. The audit report must be compiled by an independent auditor.
- 3.12 The Department retains the right to monitor and/or inspect the proposed project during both construction and operational phases.
- 3.13 The Environmental Control Officer must ensure that all environmental activities delegated to contractors operating on site are implemented and ensure that all conditions of the Environmental Management Plan are adhered to.
- 3.14 The applicant must ensure that there is an induction to all contractors in relation to environmental and social issues and awareness training to build capacity of staff regarding the management of the environment.

#### **Operation of the activity**

- 3.15 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.



- 3.16 All construction activities must be limited to the said site. No activities must be allowed on adjacent vacant properties.
- 3.17 Chemical toilets must be provided to be used by site workers. These must be serviced on a regular basis. No pit latrines are allowed.
- 3.18 Potable water must be made available for site workers.
- 3.19 Construction work must be restricted from 07h00 to 18h00 from Monday to Friday, 07h00 to 13h00 on Saturday with operation being prohibited on Sundays and public holidays.
- 3.20 The development must be designed such that operational noise is directed inward to the development and away from the neighbouring residential area.
- 3.21 The provisions of the SABS Code of Practice 0103 – 1994 with the recommended sound and noise levels for different areas of occupancy and activities for residential and non-residential indoor spaces must be complied with.
- 3.22 There must be no refuse or builders rubble generated on the premises placed, dumped or deposited on adjacent properties including road verges, roads or public places and open spaces during or after the construction period of the new development.
- 3.23 The underground tanks and pipelines must be monitored regularly to detect leaks and unnatural discharges as soon as possible.
- 3.24 Relevant authorities must be kept informed of spills and contingency plans must be in place to minimize pollution should a spill occur.
- 3.25 Groundwater monitoring wells must be installed in the tank area to act as future groundwater monitoring points.
- 3.26 Manhole sections must be fitted with an overflow protection device and self contained manhole which is impervious to hydrocarbons and is sealed to prevent contamination to the surrounding environment.
- 3.27 The installation must further be fitted with monitoring wells on each end to allow sampling of groundwater to take place to detect contamination.
- 3.28 If and when contamination is detected in the monitoring wells, a rehabilitation plan must be compiled and carried out.
- 3.29 The groundwater quality of the site must be monitored bi-annually and records of such monitoring must be kept on site.
- 3.30 The applicant must comply with policies and guidelines of the South African Bureau of Standards (SABS) that addresses environmental issues associated with the installation, construction, use and decommissioning of tanks and pumps for filling stations; SABS 0131:1977.
- 3.31 No concrete, gravel or other rubbish must be allowed to remain on any site after the construction phase.
- 3.32 All cement used during the construction period must be housed in properly protected sheds that will prevent spilling into the receiving environment.
- 3.33 If any archeological remains are exposed during the construction phase, the South African Heritage Resources Agency (SAHRA) Department of Economic Development, Environment & Tourism (DEDET) must be notified.
- 3.34 Contractors must ensure that the construction vehicles are in a good condition and do not leak oil or transmission fluid onto the site and do not produce excessive smoke.
- 3.35 Soil contaminated by oil leaking from vehicles must be collected and disposed of at a hazardous waste disposal site.





- 3.36 Waste generated at the proposed development must be disposed off at a registered waste disposal site.
- 3.37 Solid waste generated by the construction teams must not be burned on site or the surrounding areas.
- 3.38 Solid waste must be kept in bins from where it will be removed to the municipal waste disposal site operated by Steve Tshwete Local Municipality on a weekly basis.
- 3.39 The cleared vegetation must not be burned on site, but removed to a licensed waste disposal site on a regular basis.
- 3.40 Fire safety design of the development must satisfy the requirements of SANS 10400 Code of Practice as well as SANS 10090 community protection against fire regarding fire requirements.
- 3.41 There must be an installation of fire extinguishers in areas that are easily accessible in the event of fire.
- 3.42 Dortsfontein Total Coal SA (Pty) Ltd is responsible for the removal and appropriate disposal at a landfill site of all maintenance waste produced during the operational phase.
- 3.43 Dortsfontein Total Coal SA (Pty) Ltd must ensure that the material generated during the decommissioning phase is cleared from the site and disposed of at a registered landfill site.
- 3.44 The proposed footprint of the activities is limited to 450m<sup>3</sup>.

#### General

- 3.45 A copy of this authorization must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.46 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the applicant knows the new details.
- 3.47 The holder of the authorisation must notify the Department, in writing and within 24 (twenty four) hours, if conditions of this authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.48 Non-compliance with a condition of this authorization may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

Environmental Authorisation approved by:

  
\_\_\_\_\_  
**DR. V. DLAMINI**  
**HEAD OF DEPARTMENT**  
DATE: \_\_\_\_\_



## Annexure 1: Reasons for the Decision

### 1. Background

- 1.1 The applicant, Total Coal South Africa (Pty) Ltd, applied for authorisation to continue with the following activity:

**Activity 13 of GNR 544** – the proposed installation of 450m<sup>3</sup> of aboveground diesel storage tanks on Portion 4 of the farm Welstand 55 IS, Kriel, Emalahleni Local Municipality at the following co-ordinates: -26.18 S, 29.34 E:

- 1.2 The applicant appointed the following Environmental Assessment Practitioner to undertake a Basic Assessment Report:

**GCS Environmental Consultants (Pty) Ltd**  
63 Wessel Road  
Private Bag X 2597  
Rivonia  
2128

Contact person: Tanja Beker  
Tel: 011 803 5726  
Fax: 086 658 4233

### 2. Information considered in making the decision.

In reaching its decision, the Department took the following into consideration:

- a) The information contained in the Basic Assessment Report.
- b) Comments were received from interested and affected parties as included in the Basic Assessment Report that the development is eagerly needed by the community members.
- c) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- d) The findings of the site visit undertaken by Musa Mondlane from the Department on 15 April 2011.

### 3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues, which, in the Department's view, were of the utmost significance, is set out below:

- a) An access point will be located on the road that goes to Kriel town.
- b) The proposed tank installation will supply opencast operations at Dorstfontein East Mine.
- c) Employment opportunities will be created in the development and implementation phase of the activity.



#### **4. Findings**

After consideration of the information and factors listed above, the Department made the following findings:

- a) All general waste generated during construction of the proposed development will be disposed off at a registered landfill site of Emalahleni Local Municipality.
- b) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the Basic Assessment Report and conditions of this environmental authorisation be implemented and adhered to.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated for to acceptable levels. Authorisation is accordingly granted.




# water & sanitation

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## AMENDMENT LICENCE IN TERMS OF SECTION 50 AND 158 OF THE NATIONAL WATER ACT, 1998 (ACT NO 36 OF 1998)

I, **Dan Mashitsho**, in my capacity as Director-General in the Department of Water and Sanitation: and acting under authority of the powers delegated to me by the Minister of Water and Sanitation, hereby authorises the amendment of licence dated 27 December 2014, licence no: **04/B11B/ACGIJ/957**

SIGNED: 

DATE: 05/06/2017

The above mentioned licence is amended as follows:

### Amendment of the Licensee

1. The Licensee is hereby amended-

a. by substitution the name for Licensee of the following name:

**“[Total Coal South Africa (Pty) Ltd - Dorsfontein Coal Mine East Expansion]  
Exxaro Coal Central (Pty) Ltd – Dorsfontein Coal Mine East Expansion”**

### Amendment of condition 1 of Appendix II

2. Condition 1 of the licence is hereby amended-

a. by the substitution in condition 1 for Table 2 of the following Table

**Table 2: Volume of water to be abstracted from a water resource**

Name and Activity	Farm and Portion	Licensed Coordinates	Coordinates Applied for (Amendment Required)	Purpose	Total capacity m <sup>3</sup> / volume dewatered/ Height of the structure
Abstracting groundwater filling up the closed mine voids of the old Transvaal Navigation Colliery (TNC) owned by BECSA	Welstand 55 IS Ptn 2	26°10'56"S 29°21'31.8"E	AB1 26°10'28"S 29°20'38"E AB2 26°10'29"S 29°20'38"E AB3 26°10'30"S 29°20'37"E	Make up water.  <b>B 07837</b>	1 440 000m <sup>3</sup> to be abstracted for the first two years and a volume of 720 000m <sup>3</sup> for the next 20 years.

**Amendment of condition 1.1 of Appendix III**

3. Condition 1.1 of the licence is hereby amended-

a. by the substitution in condition 1.1 for Table 3 of the following Table

**Table 3: Section 21 (c) and (i) water uses**

Name of alteration	Property name and portion	Coordinates	Purpose	Length, width and height
Altering of existing, modified and impacted on wetlands (B/C category hillslope and valley bottom wetlands)	Fentonia 54 IS Ptn 1 and 3	Start of alteration: 26° 13' 10.1643" S	Opencast mining at Pit 1 and 2, coal slurry and discard disposal, coal washing plant activities	Length – 2 463 m  Width – 4 000 m  Height – 25 m (the coal slurry and discard is going to be the highest structure)
	Welstand 55 IS Remaining extent of Ptn 5	29° 21' 22.6507" E		
	Welstand 55 IS Remaining extent of Ptn 4	End of alteration: 26° 11' 28.1713" S		
	Welstand 55 IS Ptn 11	29° 21' 08.6426" E		

Water Resource Affected	Purpose of the water use	Parameters	Property	Coordinates
Diversion and altering on Olifants River Crossing for conveyor structure and rail loop	River Crossing for conveyor structure	206 m	Vlaklaagte 45 IS Ptn 0 (RE)	26° 10' 05" S 29° 21' 34" E
Hillslope seepage wetland crossing 1 for conveyor structure and rail loop	Hillslope crossing 1 for conveyor structure	15 m	Vlaklaagte 45 IS Ptn 0 (RE)	26° 10' 05" S 29° 21' 34" E
Hillslope seepage wetland crossing 2 for conveyor structure and rail loop	Hillslope crossing 2 for conveyor structure	15 m	Vlaklaagte 45 IS Ptn 48	26° 09' 11" S 29° 22' 08" E
Hillslope seepage wetland crossing 3 for conveyor structure and rail loop	Hillslope crossing 3 for conveyor structure	15 m	Vlaklaagte 45 IS Ptn 34 and 39	26° 08' 22" S 29° 22' 20" E
Hillslope seepage wetland crossing 4 for conveyor structure and rail loop	Hillslope crossing 4 for conveyor structure	15 m	Vlaklaagte 45 IS Ptn 4	26° 10' 05" S 29° 21' 34" E
Hillslope seepage wetland crossing 5 for conveyor structure and rail loop	Hillslope crossing 5 for conveyor structure	15 m	Vlaklaagte 45 IS Ptn 16	26° 06' 41" S 29° 20' 43" E

**Amendment of condition 1.6 of Appendix III**

4. Condition 1.6 is hereby amended -

a. by the substitution for condition 1.6 of the following condition:

**"1.6 [Mining through a wetland using opencast methods and rail loop activities are not allowed as they will destroy the wetland and never bring it back to its natural state. Therefore, the license needs to consider an alternative site for both opencast and rail loop including underground mining]. Underground mining to be initiated in 2017 and any future proposed opencast mining to be subjected to water use licensing process and detailed motivation to be provided where wetlands are involved.**

**Amendment of condition 1.1 of Appendix IV**

5. Condition 1.1 is hereby amended -

a. by the substitution in condition 1 for Table 4 of the following Table

**Table 4: Summary of Section 21 (g) water uses**

Name	Description	Farm and Portion	Coordinates	Volume to be used for dust suppression
Pollution Control Dam	Disposal of water from underground workings and mining processes	Vaalkranz 29 IS Ptn 16	26°06'41"S 29°20'43"E	71 248 m <sup>3</sup> /a

Name	Property (Farm name and portion)	Purpose	Coordinates	Total Capacity of each facility (m <sup>3</sup> or tonnes)
Coal slurry and discard facility (Co-disposal)	Welstand 55 IS Ptn 11  Welstand 55 IS Remaining extent of Ptn 4	Disposal of coal slurry and discarded material from the coal mining process	26° 12' 51.0140" S  29° 20' 24.5678" E	Slurry - 2,2 x 10 <sup>6</sup> tonnes LoM  Discard - 25 x 10 <sup>6</sup> tonnes LoM

**Amendment of condition 1.1 of Appendix V**

6. Condition 1.1 is hereby amended -

a. by the substitution in condition 1.1 for Table 7 of the following Table

**Table 7: Summary of Section 21 (g) water uses**

Name	Coordinates	Property (farm name and portion)	Volume disposed/ann um	Water discharged or disposed or stored
Block A and B Underground (to commence 6 years after opencast blocks	25° 48' 50.7" S 29° 25' 27.3" E	Fentonia 54 IS Portion 3	255 500 m <sup>3</sup> /a	Will be disposed into Return Water Dam

**Addition of water use**

7. Additional water use is hereby included -

a. by the addition of the following Table

**Table >: Summary of Section 21 (g) water use**

Water use	Activity	Farm and Portion	Coordinates	Volume to be used for dust suppression	Size in Ha
Section 21(g)	Dust Suppression	Vaalkranz 29 IS Ptn 16	26°06'41"S 29°20'43"E	70 080 m <sup>3</sup> /a	2.573

**Amendment of condition 3.46 of Appendix III**

8. Condition 3.46 is hereby amended -

a. by the substitution for condition 3.46 of the following condition:

**[“3.46 The cone of depression impacts of the aquifer system due to the pits must be addressed holistically with surrounding mines like Sishen within a year and mitigation measures implemented] The cone of depression impacts of the aquifer system due to the pits must be addressed holistically with surrounding areas like Kriel within a year and mitigation measures implemented**

**Amendment of condition 4.1 of Appendix IV**

9. Condition 4.1 is hereby amended -

- a. by the substitution for condition 4.1 of the following condition:

**[“4.1 The licensee shall monitor on a monthly basis the water resources as surface water monitoring points and Ground water monitoring points to determine the impact of the facility and other activities on the water quality by taking samples at the monitoring points as indicated in the hydrogeological study submitted to the Department] The licensee shall monitor on a quarterly basis the water resources as surface water monitoring points and Ground water monitoring points to determine the impact of the facility and other activities on the water quality by taking samples at the monitoring points as indicated in the hydrogeological study submitted to the Department**

#### **Amendment of condition 2 of Appendix IV**

10. Condition 2 is hereby amended -

- a. by the substitution for condition 2 of the following condition:

**[“The Licensee is authorised to dispose of the amount of volumes as stipulated on table 7 of the waste/waste water emanating from the Iron Ore mining activities.”] “The Licensee is authorised to dispose of the amount of volumes as stipulated on table 7 of the waste/waste water emanating from the coal mining activities.”**

#### **Deletion of condition 4.5 of Appendix IV**

11. Condition 4.5 is hereby deleted -

- a. by the deletion of the following condition

**[4.5 “It is evident from the report that the mine is situated in dolomitic areas. Dolomite areas are known to be highly vulnerable to pollution and difficult to remediate. There is possibility of sinkholes and cavities development, therefore dolomite instability must be investigated and dolomite risk management plan must be established within one year of issuance of this license”].**

#### **Amendment of condition 4.7 of Appendix IV**

12. Condition 4.7 is hereby amended-

- a. by the substitution for condition 4.7 of the following condition:

**[4.7 “A total of 95 boreholes were identified in the surrounding area during the hydrocensus, it is therefore, of utmost importance to ensure the proposed mining activities at Khumani Iron Ore Mine do not impact on the water quality and quantity of the area as all farms surrounding the site rely heavily on groundwater for both domestic and livestock watering purposes. Should the monitoring results indicate an impact on these groundwater users, the**



**applicant must ensure in advance that alternative water supply is provided.”]**  
“A total of 44 boreholes were identified in the surrounding area during the hydrocensus, it is therefore, of utmost importance to ensure the proposed mining activities at Exxaro Coal Central DCM East coal mine do not impact on the water quality and quantity of the area as all farms surrounding the site rely heavily on groundwater for both domestic and livestock watering purposes. Should the monitoring results indicate an impact on these groundwater users, the applicant must ensure in advance that alternative water supply is provided.”

**Addition of water use**

13. Additional water use is hereby included -

a. by the addition of the following Table

**Table >: Summary of Section 21 (g) water uses**

Facility Name	Property	88/	Tonnage/month	Area of Facility
DCM East Mine Stockpile (product stockpile)	Welstand 55 IS Ptn 13	26°11'34.67"S 29°21'26.61"E	150 000/month	17 332 m <sup>2</sup>
DCM East Rail Loop Stockpile (product stockpile)	Vaalkranz 29 IS Ptn 16	26° 6'33.45"S 29°20'41.06"E	150 000/month	Dirty water area: 25 731 m <sup>3</sup>

**[END OF LICENCE AMENDMENT]**



# water & sanitation

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Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

Received by: Lorenzo vld Heever  
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Signature: *[Handwritten Signature]*

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## AMENDMENT LICENCE IN TERMS OF SECTION 50 AND 158 OF THE NATIONAL WATER ACT, 1998 (ACT NO 36 OF 1998)

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SIGNED: *[Handwritten Signature]*

DATE: 05/06/2017

The above mentioned licence is amended as follows:

### Amendment of the Licensee

1. The Licensee is hereby amended-
  - a. by substitution the name for Licensee of the following name:

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Exxaro Coal Central (Pty) Ltd – Dorsfontein Coal Mine East Expansion”**

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